

Docket No.: 243014US3

COMMISSIONER FOR PATENTS

RE: Application Serial No.: 10/667,301

Applicants: Kiyonori TSUDA, et al.

Filing Date: September 23, 2003

For: IMAGE FORMING APPARATUS USING A TONER

CONTAINER AND A PROCESS CARTRIDGE

Group Art Unit:

Examiner:

ALEXANDRIA, VIRGINIA 22313

SIR:

Attached hereto for filing are the following papers:

PETITION UNDER 37 CFR 1.137 (a) REQUESTING THE WITHDRAWAL OF HOLDING OF ABANDONMENT DUE TO UNAVOIDABLE DELAY COPY OF NOTICE OF ABANDONMENT LETTER

COPY OF PTO MAIL LOG REPORT FROM DECEMBER 15, 2003 THROUGH JANUARY 5, 2004

NOTICE TO FILE MISSING PARTS FILING OF DECLARATION/DECLARATION

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

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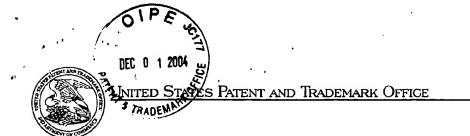
MAIER

NEUSTADT

P.C.

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. DOX 1450 Alexandra, Viginia 22313-1450 www.uspio.gov

APPLICATION NUMBER

FILING OR 371(C) DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

10/667,301

1940 DUKE STREET

ALEXANDRIA, VA 22314

22850

09/23/2003

Kiyonori Tsuda

243014US3

CONFIRMATION NO. 9277

ABANDONMENT/TERMINATION LETTER

OC000000014339811*

Date Mailed: 11/12/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/16/2003.

· No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(I); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

243014US3

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kiyonori TSUDA, et al.

SERIAL NO: 10/667,301

FILED: September 23, 2003

TITLE: IMAGE FORMING APPARATUS USING A TONER CONTAINER AND A

PROCESS CARTRIDGE

PETITION UNDER 37 CFR 1.137(a) REQUESTING THE WITHDRAWAL OF HOLDING OF ABANDONMENT DUE TO UNAVOIDABLE DELAY

Commissioner for Patents Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the holding of abandonment for the above-identified

Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the

Patent and Trademark Office on December 15, 2003 was not received by Applicants' Attorneys.

The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened

and logged in a daily computer log. The due date is entered in the firm computer docketing

system. At the time of entry into the computer, the serial numbers are checked to ensure that the

correct docket number appears on the mail so that the documents are entered in the correct

application in the computer and matched with the correct application file. Any due dates

resulting from the Patent and Trademark Office mail are also entered in the computer.

After receipt of the Notice of Abandonment, our computer system was checked. The

computer Patent Due Dates section for the subject application did not show a current due date for

Application No.: 10/667,301

Inventor: Kiyonori TSUDA

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Petition to Withdrawal the Holding of Abandonment

the Filing of the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to file Missing Parts dated December 15, 2003. The computerized PTO Mail Log Report was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the US Patent and Trademark Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from December 15, 2003 through January 5, 2004 and found to contain no record of having received the Notice for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts dated December 15, 2003 and therefore, the holding of abandonment was issued in error.

The petition fee under 37 C.F.R. 1.117 (i) is enclosed herewith. Applicants believe that no fee is due. If the fee is not due, please credit the petition fee to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Application No.: 10/667,301 Inventor: Kiyonori TSUDA

Petition to Withdrawal the Holding of Abandonment

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Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

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Attorney of Record
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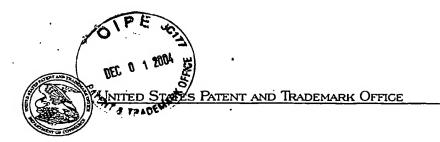
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FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

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NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to:

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P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

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